

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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In re: :  
 : In Chapter 13  
OTIS W. TERRY, JR., :  
 : Bankruptcy No: 13-14780 (MDC)  
Debtor. :  
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**THE CITY OF PHILADELPHIA’S STATEMENT OF ISSUES ON APPEAL AND  
DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Federal Rule of Bankruptcy Procedure 8006, the City of Philadelphia (the “City”), a creditor in the above captioned bankruptcy case, respectfully submits this statement of issues to be presented on appeal and designation of items to be included in the record in connection with the appeal by the City from the February 10, 2015 Order denying the City’s Motion to Dismiss; the final order confirming the Chapter 13 Plan and denying dismissal of the Debtor’s case, as noted on the February 6, 2015 docket entry; and all prior interlocutory orders.

I. STATEMENT OF ISSUES PRESENTED

1. Whether the Bankruptcy Court erred in determining the bankruptcy case of Otis W. Terry, Jr. (the “Debtor”) could be administered, and proposed plan confirmed, after the death of the Debtor?
2. Whether the Court erred by not dismissing the Debtor’s case for lack of good faith, when the Debtor’s sole reason for filing the bankruptcy petition was to regain ownership of the property addressed 7128 Mount Airy Place, Philadelphia, PA (the “Subject Property”)?

3. Whether the bankruptcy court erred in determining the Debtor redeemed the Subject Property through the Consent Order entered by the Bankruptcy Court on September 18, 2014?
4. Whether the Bankruptcy Court erred in confirming a plan which incorporated the redemption of the Subject Property?
5. Whether the Bankruptcy Court erred in confirming a plan which modified Pennsylvania law requiring payment in full of the amounts set forth in the Municipal Claims and Tax Liens Act, prior to redeeming property sold at a tax sale?
6. Whether the Bankruptcy Court erred in confirming a plan which required the Sheriff of Philadelphia County to turn over all of the “overbid” proceeds from the tax sale of the Subject Property, even though the Bankruptcy Court had already effectively avoided the tax sale through the Consent Order entered on September 18, 2014?
7. Whether the Bankruptcy Court erred in confirming a plan which provided that title to the Subject Property would not vest in the Debtor until entry of an order of discharge, even though the Bankruptcy Court had already directed that title to the Subject Property was returned to the status of title prior to the tax sale, which was in the name of the Debtor and his sister?

## II. DESIGNATION OF ITEMS FOR THE RECORD

Designation No.	Date of Filing	ECF No.	Description
1.	5/30/2013	1	Chapter 13 Voluntary Petition and Attachments.
2.	6/13/2013	13	Summary of Schedules, Schedules A-J, Statement of Financial Affairs, Statistical Summary of Certain Liabilities, Ch. 13 Statement of Current Monthly and Disposable Income, Disclosure of Compensation of Attorney, and Attachments
3.	06/13/2013	14	Ch. 13 Plan filed by Otis William Terry.

4.	06/26/2013	18	Amended Schedule B.
5.	06/26/2013	19	Amended Schedule I.
6.	06/26/2013	20	Amended Schedule J.
7.	07/29/2013	23	Amended Schedule I.
8.	07/29/2013	24	Amended Voluntary Petition
9.	07/29/2014	25	Amended Schedule J.
10.	06/25/2014	80	Stipulation of Settlement by Otis William Terry, Jr. and Between Patricia Terry and 2013 N. 16 <sup>th</sup> Street, LLC and Todd Joseph, Settling Claim Litigation and Objection to Confirmation.
11.	06/25/2013	81	First Amended Ch. 13 Plan.
12.	06/25/2014	82	Amended Schedule J.
13.	07/06/2014	87	Objection to Stipulation of Settlement filed by Debtor Otis William Terry Filed by the City of Philadelphia.
14.	09/18/2014	89	Proposed Consent Order Re: Objection to claim of 2013 N. 16 <sup>th</sup> Street, LLC.
15.	09/18/2014	92	Consent Order.
16.	09/29/2014	96	Objection to Confirmation of the Plan by the City of Philadelphia.
17.	10/17/2014	107	Memorandum Re: Consent Order entered by the Bankruptcy Court.
18.	10/17/2014	108	Motion to Dismiss filed by the City of Philadelphia.
19.	10/31/2014	117	Transcript of Hearing Held on Objection to Stipulation of Settlement.
20.	11/12/2014	119	Praecipe for Suggestion of Death of Debtor, Otis W. Terry, Jr.
21.	11/14/2014	120	Response to Motion to Dismiss Case filed by Otis W. Terry, Jr.
22.	02/06/2015	134	Order Confirming Ch. 13 Plan.
23.	02/10/2015	129	Order Denying Motion to Dismiss Case.
24.	02/20/2015	131	Notice of Appeal to District Court.
25.	--	--	Transcripts of Hearing held on February 6, 2015, regarding continued administration of the case, dismissal of the case, and confirmation of the Debtor's plan.

Respectfully submitted,

Date: March 10, 2015

Signed:

/s/ James C. Vandermark  
JAMES C. VANDERMARK  
Assistant City Solicitor  
PA Attorney I.D. 306944  
NJ Attorney I.D. 013072009

City of Philadelphia Law Department  
1401 JFK Blvd., 5<sup>th</sup> Floor  
Philadelphia, PA 19102-1595  
215-686-0521 (phone)  
215-686-0582 (facsimile)  
Email: [james.vandermark@phila.gov](mailto:james.vandermark@phila.gov)